

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**DRIFTWOOD HEALTHCARE
CENTER—SANTA CRUZ**

and

Case 32-CA-25510

**SEIU UNITED HEALTHCARE
WORKERS—WEST**

ORDER¹

The Employer's petition to revoke subpoena duces tecum B-616833 and subpoenas ad testificandum A-891233, A-891235, A-891236, and A-891237 is denied.² The subpoenas seek information relevant to the matter under investigation and describe with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoenas.³ See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).⁴

Dated, Washington, D.C., March 30, 2011

WILMA B. LIEBMAN, CHAIRMAN

MARK GASTON PEARCE, MEMBER

BRIAN E. HAYES, MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The Region has rescinded the issuance of subpoena ad testificandum A-891238.

³ Member Hayes joins in denying the petition to revoke the subpoena duces tecum. With respect to the subpoenas ad testificandum, he would hold the petition in abeyance for thirty days to provide the Region an opportunity to file a supplemental opposition explaining what further evidence is necessary to determine if a complaint should issue, and why such evidence can only be obtained through the affidavits of the Employer's agents and/or supervisors.

⁴ To the extent that any document responsive to subpoena duces tecum B-616833 is identical to a document produced in response to subpoena duces tecum B-617167 (relating to Cases 32-CA-25333 and 32-CA-25391), the Employer is not required to produce additional copies of such documents.